IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5359 OF 2006

MUMBAI PORT TRUST DOCK AND
GENERAL EMPLOYEES UNION ..Petitioner

V/S.

M/S.CASTROL INDIA LIMITED AND ORS. ..Respondents

Mr.Bhavesh Parmar for the Petitioner.

Mr.J.P.Cama,Senior Advocate i/b Haresh Mehta & Co.for the Respondent No.1

Coram : V.C.Daga, J

Dated : 15th September,2006

P.C. :

Perused petition.

Heard learned counsel for the rival parties on more than two occasions. The parties were given sufficient time to negotiate to reach workable arrangement.

Looking to the concensus between the parties as suggested without going into the merits and/or demerits of the case, the following workable order is passed.

1. The CGIT is directed to dispose off Reference CGIT 2/17 of 2004 alongwith the Petitioners application under section 33A of the Industrial Disputes Act, 1947, which is subject matter of present petition within four months from the date hereof, on merits.

2. The Respondent Company shall not insist on enforcing the transfer orders earlier issued to the six workmen, named at Annexure A hereto. The Respondent Company however records that, without prejudice to its right and contentions regarding the validity of the above transfers, they are willing to transfer the said six workmen to their plants at Chennai and Kolkatta, if they are willing to go there. No penalty shall be imposed, if the workers do not accept this offer.

3. Without prejudice to the rival contentions, the Respondent Company, shall within 10 days from the date hereof, pay to each of the concerned six workers at Annexure A, an amount equal to one month's last drawn wages. This is subject to set off and/or recovery after the final orders in the above Tribunal proceedings.

On 25th September, 2006 parties are directed to appear before the Tribunal so as to enable the tribunal to fix schedule of hearing.

Petition stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA,J.)